TOWN OF WELLESLEY MASSACHUSETTS

ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

RICHARD L. SEEGEL, CHAIRMAN
J. RANDOLPH BECKER, VICE CHAIRMAN
DAVID G. SHEFFIELD

LENORE R. MAHONEY
EXECUTIVE SECRETARY
TELEPHONE
(781) 431-1019 EXT. 2208
web: www.wellesleyma.gov

ROBERT W. LEVY
WALTER B. ADAMS

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02482
2012 JUN 20 P 3:18

ZBA 2012-40
Petition of Kane Built, Inc.
17 Bow Street

Record Owner of Property: Marc Kadis

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, June 7, 2012, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of KANE BUILT, INC. requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that demolition of an existing nonconforming dwelling and construction of a new dwelling that will meet Zoning requirements, on a 7,437 square foot lot in a district in which the minimum lot size is 10,000 square feet, at 17 BOW STREET, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On May 22, 2012, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Laurence Shind, Esq. Also present was Roger Kane, Kane Built, Inc., (the "Petitioner").

The Chairman said that he consulted with Michael Grant, Building Inspector and Albert Robinson, Town Counsel regarding the existing house. He said that the house was in very dangerous condition. He said that taking the house down could not wait for the hearing. The Chairman said that the Board would view this petition as if the house is still standing.

Mr. Shind said that Town Counsel sent a letter to the homeowner on May 10, 2012 and copied to the Zoning Board of Appeals that stated that, for Zoning purposes, the house should be considered as still standing.

The Chairman said that the house was condemned by the Building Inspector.

Mr. Shind said that proposed construction at 17 Bow Street will comply with all dimensional setback requirements and will not be substantially more detrimental to the neighborhood than the previously existing nonconforming structure.

Mr. Shind described the site prior to demolition. He said that the lot is undersized at 7,437 square feet. He said that the previously existing house was built in 1893, according to the Assessor's records. He said that the house contained 2,900 square feet of living area. He said that lot coverage was 22 percent. He

said that the house had a nonconforming front left side yard setback of 10 feet. He said that the right front and right rear setbacks were just under 20 feet. He said that the house was in dilapidated and hazardous condition.

Mr. Shind said that the proposed new residence will comply in all respects with the current Zoning and dimensional setback requirements. He said that the modest finished living area will be less than the previous house at just over 2,100 square feet. He said that lot coverage will decrease to 15 percent, which is substantially less than it was previously. He said that Total Living Area plus Garage (TLAG) will be 2,649 square feet.

The Board said that a vertical dimension of 30 feet 6 inches is shown on the Elevations Drawing, Sheet 1 at the front entrance. The Board said that the basement is considerably exposed. The Board said that the Zoning Bylaw requires that the dimension for height be taken from the average finished grade of the property. The Board said that it could not tell from the drawings if the proposed structure will exceed the height limitation. The Board said that the rear elevation shows the greatest change in grade.

The Board said that it does not like to see an uninterrupted 3 story façade. The Board said that the structure would be greatly enhanced on the left side elevation if an eyebrow was added over the garage door.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02482
2012 JUN 20 P 3 19

The Board said that the first floor plan on page 2 does not show the porch.

The Board said that the Petitioner might consider adding an eyebrow over the sliding door at the rear of the structure.

The Board said that the proposed structure is a vast improvement over what was there.

The Board said that it will not allow the approval to go to the Town Clerk until a plan with calculations for the actual average grade is submitted.

Mr. Kane said that the plot plan shows the height from the top of concrete. He asked if the Board was looking for the height from the finished grade. The Board said that it needs to see what the average finished grade around the house will be. The Board said that the rear of the house will be a full story lower. The Board said that it was unable to determine whether the height of the proposed structure will exceed what is allowed.

The Board said that approval would be subject to submittal of new plans that show that the proposed structure will meet the height requirement. The Board said that it hoped that its architectural detail suggestions for eyebrow features be incorporated in the plans.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 17 Bow Street, on a 7,437 square foot corner lot in a district in which the minimum lot size is 10,000 square feet, with a minimum front yard setback of 10.4 feet and a minimum side yard setback of 19.8 feet.

The Petitioner is requesting a Special Permit/Finding that demolition of an existing nonconforming dwelling and construction of a new dwelling that will meet Zoning requirements, on a 7,437 square foot lot in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

Existing Plot Plan dated 4/26/12 and Proposed Plot Plan, dated 4/26/12, stamped by Susan E. Sullivan, Professional Land Surveyor, Proposed Floor Plans and Elevation Drawings, dated 4/19/12, prepared by R.C. Searles Associates, and photographs were submitted.

On June 5, 2012, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY, MA 02482
2012 JUN 20 P

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the finding of this Authority that demolition of an existing nonconforming dwelling and construction of a new dwelling that will meet Zoning requirements, on a 7,437 square foot lot in a district in which the minimum lot size is 10,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for demolition of an existing nonconforming dwelling and construction of a new dwelling that will meet Zoning requirements, subject to the following condition:

- The house shall be constructed in accordance with updated plans to be submitted to the Board that show that the proposed structure will meet the height requirement.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

ZBA 2010-40
Petition of Kane Built, Inc.
17 Bow Street

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2012 JUN 20 P 3:19

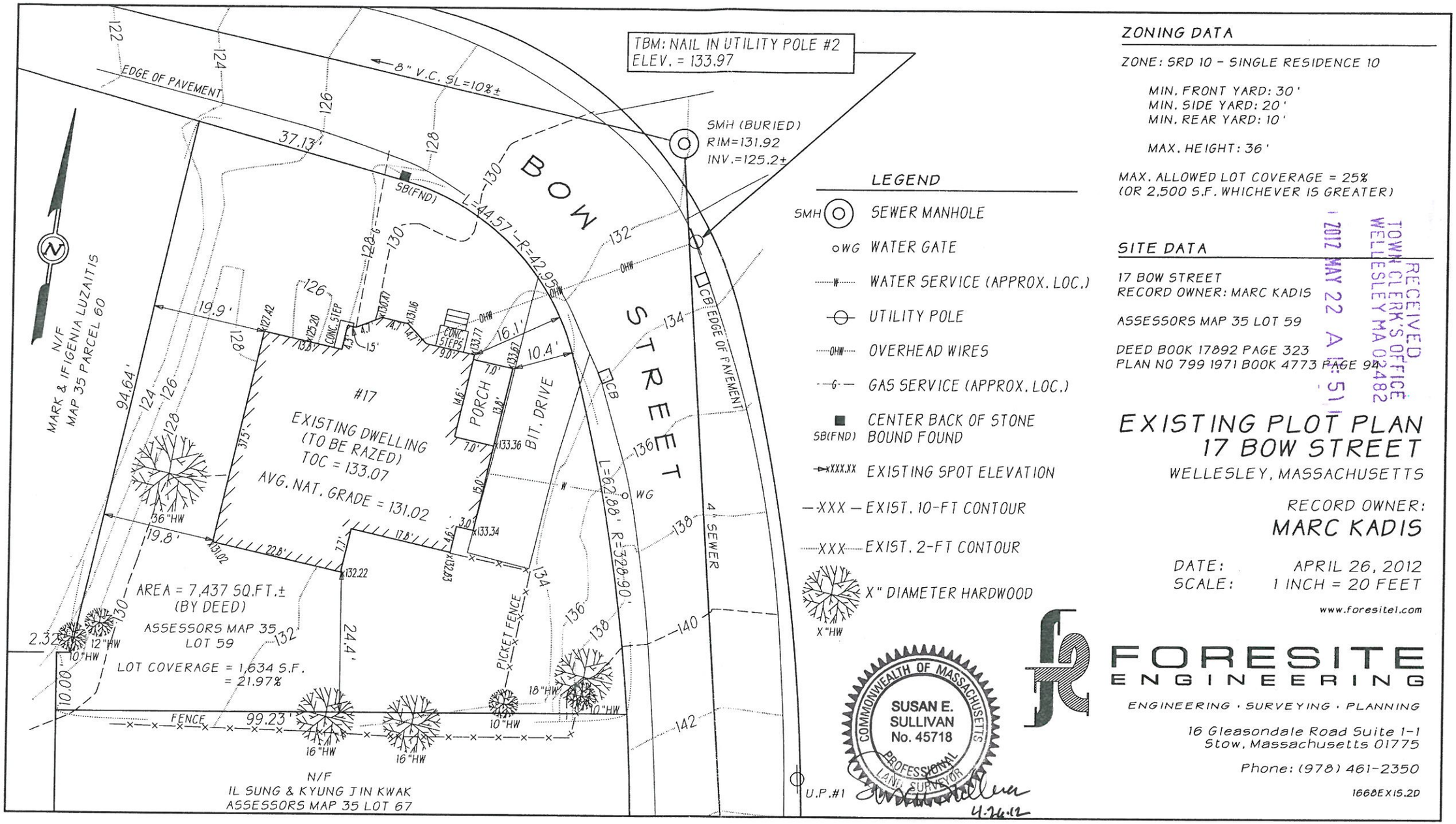
APPEALS FROM THIS DECISION, IF ANY, SHALL BE MADE PURSUANT TO GENERAL LAWS, CHAPTER 40A, SECTION 17, AND SHALL BE FILED WITHIN 20 DAYS AFTER THE DATE OF FILING OF THIS DECISION IN THE OFFICE OF THE TOWN CLERK.

Richard L. Seegel, Chairman

David G. Sheffield

Robert W. Levy

cc: Planning Board
Inspector of Buildings
lrm



LEGEND

- SMH — SEWER MANHOLE
- WG — WATER GATE
- W — WATER SERVICE (APPROX. LOC.)
- UTILITY POLE
- OHW — OVERHEAD WIRES
- G — GAS SERVICE (APPROX. LOC.)
- SB(FND) — CENTER BACK OF STONE BOUND FOUND
- XXX.XX — EXISTING SPOT ELEVATION
- XXX — EXIST. 10-FT CONTOUR
- XXX — EXIST. 2-FT CONTOUR
- X" HW — X" DIAMETER HARDWOOD

ZONING DATA

ZONE: SRD 10 - SINGLE RESIDENCE 10

MIN. FRONT YARD: 30'
MIN. SIDE YARD: 20'
MIN. REAR YARD: 10'

MAX. HEIGHT: 36'

MAX. ALLOWED LOT COVERAGE = 25%
(OR 2,500 S.F. WHICHEVER IS GREATER)

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2012 MAY 22 A 11:51

SITE DATA

17 BOW STREET
RECORD OWNER: MARC KADIS

ASSESSORS MAP 35 LOT 59

DEED BOOK 17892 PAGE 323
PLAN NO 799 1971 BOOK 4773 PAGE 94

EXISTING PLOT PLAN
17 BOW STREET

WELLESLEY, MASSACHUSETTS

RECORD OWNER:
MARC KADIS

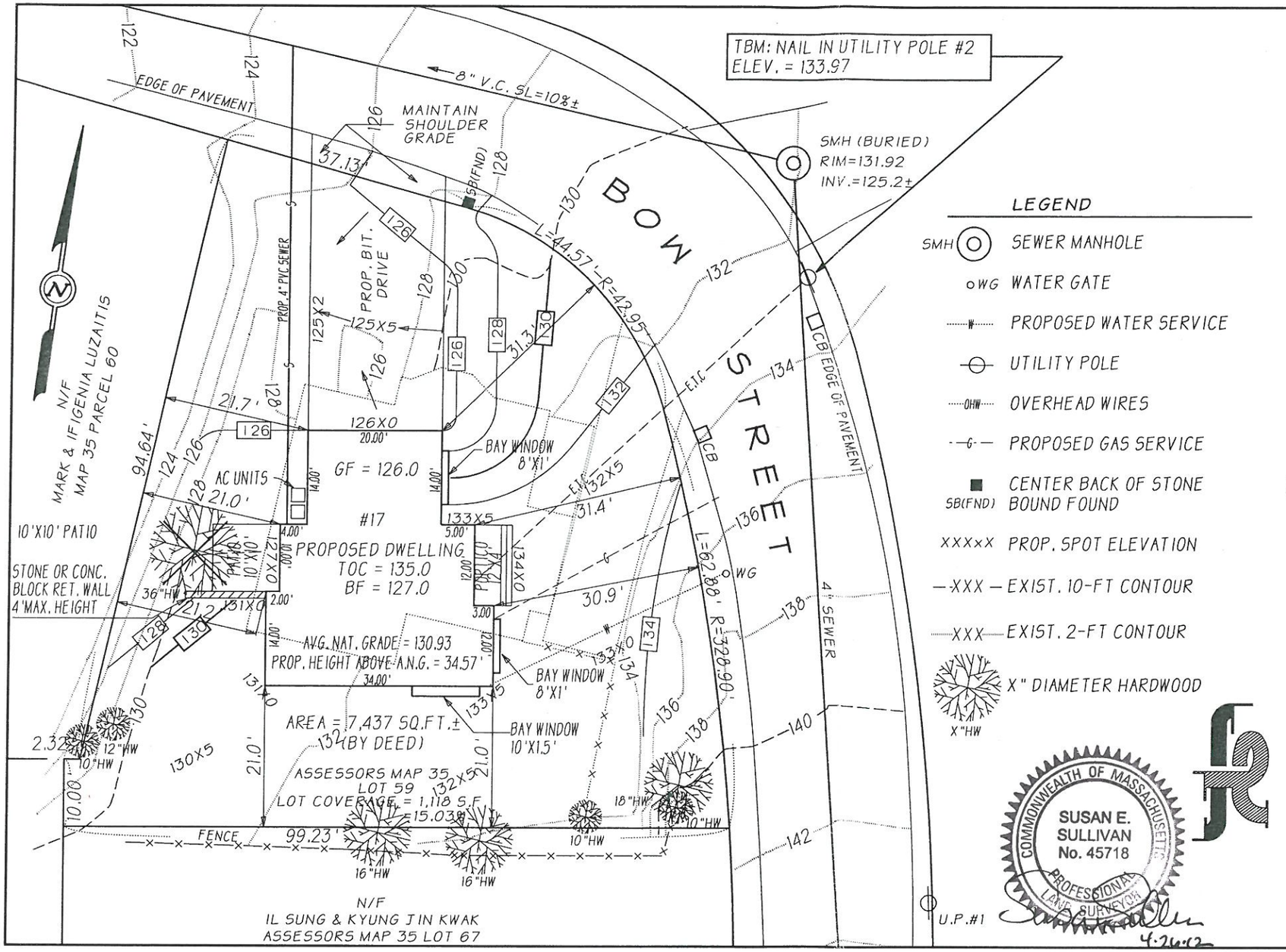
DATE: APRIL 26, 2012
SCALE: 1 INCH = 20 FEET

www.foresitel.com

COMMONWEALTH OF MASSACHUSETTS
SUSAN E. SULLIVAN
No. 45718
PROFESSIONAL LAND SURVEYOR
4-26-12

FORESITE ENGINEERING
ENGINEERING · SURVEYING · PLANNING
16 Gleasondale Road Suite 1-1
Stow, Massachusetts 01775
Phone: (978) 461-2350

1660EX15.2D



LEGEND

- SMH — SEWER MANHOLE
- WG — WATER GATE
- W — PROPOSED WATER SERVICE
- UTILITY POLE
- OHW — OVERHEAD WIRES
- G — PROPOSED GAS SERVICE
- SB(FND) — CENTER BACK OF STONE BOUND FOUND
- XXXXX — PROP. SPOT ELEVATION
- XXX — EXIST. 10-FT CONTOUR
- XXX — EXIST. 2-FT CONTOUR
- X" — X" DIAMETER HARDWOOD

ZONING DATA

ZONE: SRD 10 - SINGLE RESIDENCE 10

MIN. FRONT YARD: 30'
MIN. SIDE YARD: 20'
MIN. REAR YARD: 10'

MAX. HEIGHT: 36'

MAX. ALLOWED LOT COVERAGE = 25%
(OR 2,500 S.F. WHICHEVER IS GREATER)

MAX. TLAG = 3,600 SQ.FT.

RECEIVED
TOWN CLERK'S OFFICE
WELLESLEY MA 02482
2012 MAY 22 A 11:51

SITE DATA

17 BOW STREET
RECORD OWNER: MARC KADIS

ASSESSORS MAP 35 LOT 59

DEED BOOK 17892 PAGE 323
PLAN NO 799 1971 BOOK 4773 PAGE 94

PROPOSED PLOT PLAN
17 BOW STREET

WELLESLEY, MASSACHUSETTS

RECORD OWNER:
MARC KADIS

DATE: APRIL 26, 2012
SCALE: 1 INCH = 20 FEET

www.foresitel.com

COMMONWEALTH OF MASSACHUSETTS
SUSAN E. SULLIVAN
No. 45718
PROFESSIONAL LAND SURVEYOR
4.26.12

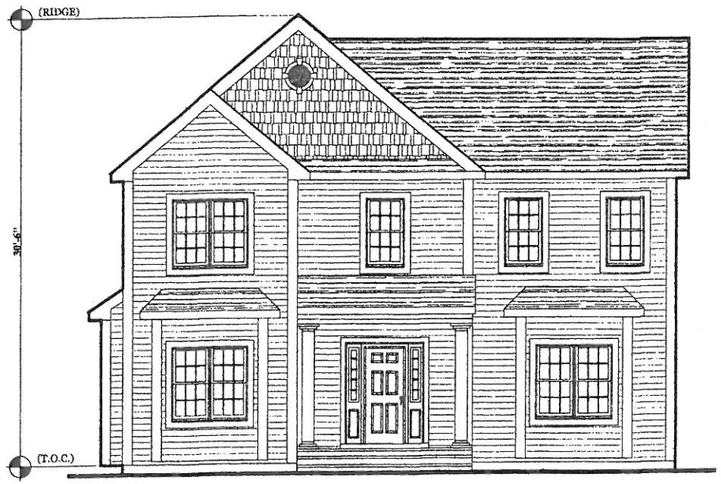
FORESITE
ENGINEERING

ENGINEERING · SURVEYING · PLANNING

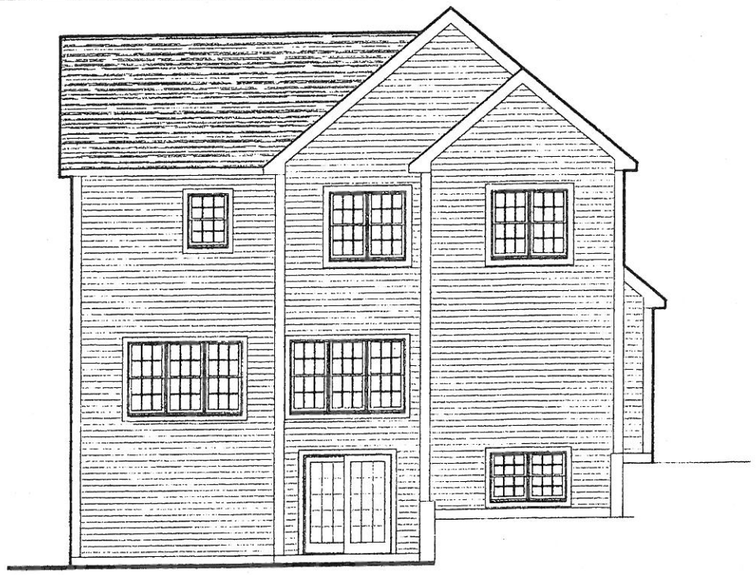
16 Gleasondale Road Suite 1-1
Stow, Massachusetts 01775

Phone: (978) 461-2350

1668PROP.2D

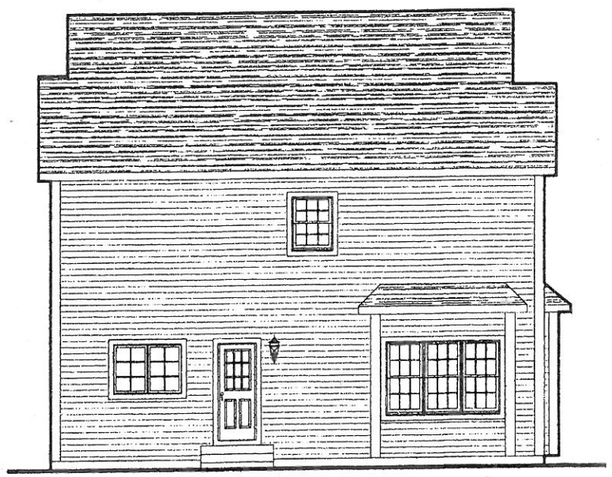


FRONT ELEVATION
2114 SQFT.



REAR ELEVATION

LEFT SIDE ELEVATION



RIGHT SIDE ELEVATION

NOTES:

GENERAL NOTES:
1. These plans are drawn as required for construction by an experienced licensed general contractor.
2. The General contractor shall fully comply with the current edition of the Massachusetts State Building Code and all additional local requirements.
3. Written dimensions shall have precedence over scaled dimensions. The general contractor shall verify and is responsible for all dimensions (including rough openings) and conditions on the job and must notify this office of any variations from these drawings. Any defects in the construction documents shall be brought to the attention of this office before proceeding with work. Reasonable time not allowed this office to correct defects shall place the burden of cost and liability from such defects upon the contractor.

R.C. Searles Associates
Exclusive Home Designers
Design / Build
Phone No. 17 Glenwood St.
(508) 466-3202 Holden Ma.

NOTICE OF COPYRIGHT
Pursuant to the Federal Copyright Act, these plans whether a preliminary layout or sketch, full construction set, partial set, bidding set, study set or extra prints, contain the copyright notice and are duly registered with Library of congress, property reserving all rights for R.C. Searles Associates. These plans may be used only once, unless a signed written agreement between this office and client is approved. Any re-drawing, tracing, reproduction, re-use or formation of derivative work is expressly prohibited and any violators will be prosecuted to the fullest extent of the law.

SINGLE FAMILY
17 BOW ST
WELLESLEY MA

ELEVATION

C-1034

DATE:	6/22/12
SCALE:	1/4"=1'-0"
DRAWN BY:	JDO
CHECKED BY:	RCS
Sheet	1 OF 8

1

WWW.RCSEARLES.COM